

Serial No. 10/606,629

Filed: June 26, 2003

**REMARKS**

Claims 1-6, 8-15, 24-29, 31-44 and 46 are pending in the present application. Claims 18-23 and 45 have been cancelled without disclaimer of the subject matter in order to reduce issues for appeal. Applicant respectfully requests reconsideration of Claims 1-6, 8-15, and 35-44 in view of the present amendments and the following remarks.

**The Allowed Claims 24-29, 31-34 and 46**

Applicant thanks the Examiner for the allowance of claims 24-29, 31-34 and 46.

**The Objection to Claim 36**

The typographical error in Claim 36 has been corrected by amending Claim 36 to depend from Claim 35. Thus, Applicant respectfully requests withdrawal of the 37 C.F.R. §1.75(c) objection to Claim 36.

**The 35 USC §103 Rejections**

Claims 1-4, 8, 9, 35-39 and 41-43 stand rejected pursuant to 35 USC §103(a) as obvious in view of US Patent No. 6,408,232 to Cannon et al. (hereafter "Cannon") in view of US Patent No. 6,405,126 to Palomo et al. (hereafter "Palomo") and further in view of US Publication No. 2003/0034958 to Waesterlid et al. (hereafter "Waesterlid"). In addition, Claims 11-15, and 44 stand rejected pursuant to 35 USC §103(a) as obvious in view of Cannon, Palomo, Waesterlid and further in view of US Patent No. 5,742,905 to Pepe et al. (hereafter "Pepe"). Claims 5, 6, and 40 stand rejected pursuant to 35 USC §103(a) as obvious in view of Cannon, Palomo, Waesterlid, and further in view of US Patent Publication No. 2003/0144005 to Videtich (hereafter "Videtich"). Claim 10 stands rejected pursuant to 35 USC §103(a) as obvious in view of Cannon, Palomo, Waesterlid and further in view of US Patent Publication No. 2003/0186715 to McGowan (hereafter "McGowan"). Applicant respectfully traverses the rejection of Claims 1-6, 8-15, and 35-44 because the cited prior art fails to teach, suggest, or disclose all the features recited in these Claims. Thus, a *prima facie* case of obviousness has not been established with regard to Claims 1-6, 8-15, and 35-44.

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Claims 1-6 and 8-10

In the office action mailed May 31, 2005, it has been asserted that transmission of a travel itinerary between a remote station and a user device is known as shown by Waesterlid. Although Waesterlid does describe a wireless device, such as a cellular phone, adapted to communicate with a base network having flight schedules, the device of Waesterlid is a personal travel assistant. (Waesterlid paragraph 9) Accordingly, the Waesterlid device is a user specific device that is dedicated to a single traveler. In sharp contrast, Claim 1 describes communicating driver specific information to a fleet vehicle assigned to a driver in response to identification of the fleet vehicle, not the identity of a traveler as taught by Waesterlid. Accordingly, Waesterlid teaches away from transmitting a travel itinerary specific to the driver in response to identification of a fleet vehicle as described in Claim 1. In addition, Waesterlid teaches that the status updates are based on requests from the device or updates to an itinerary stored in the base network. (Waesterlid paragraphs 33 and 41) Conversely, in Claim 1, providing a status update of an airplane flight schedule is triggered automatically by entry of a fleet vehicle into a communication zone and identification of the fleet vehicle. Thus, Waesterlid also teaches away from providing a status update under the conditions described in Claim 1. A prior art reference teaches away when the reference leads a person of ordinary skill in the art in a different direction from the direction taken by the applicant. *Monarch Knitting Machinery Corp. v. Fukuhara Industrial & Trading Co., Ltd.*, 139 F.3d 977 (Fed. Cir. 1998).

Thus, all of the features described in Claim 1 are not suggested or disclosed by the cited combination of the prior art, and a *prima facie* case of obviousness has not been established. Claims 2-6 and 8-10 depend from Claim 1, and therefore a *prima facie* case of obviousness has not been established for these Claims either. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 1-6 and 8-10.

Claims 11-15 and 44

In the office action mailed May 31, 2005, it has been asserted that an FM tuner is obvious to use in a vehicle to transfer a navigation coordinate and a text string without citation of a reference teaching, suggesting or disclosing such use. MPEP sections 706.02(j) and 2143 require that the prior art references cited in a rejection must teach or suggest all of the claimed limitations. Applicant respectfully asserts that use of an FM tuner as described in Claim 11 is

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not known in the art, nor is obvious in view of the cited prior art. If the office action has taken official notice or relied on common knowledge as the basis for the rejection, Applicant respectfully challenges this factual assertion, and per MPEP section 2144.03(C) respectfully requests documentary evidence to support the rejection. "While 'official notice' may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113." MPEP 2144(A).

Applicant acknowledges that vehicles are typically equipped with an FM tuner, however, a typical FM tuner is used to receive radio transmissions from a radio station that are audio information in the form of electrical signals. The FM tuner uses the electrical signals to drive loudspeakers to produce audible sound. When such radio transmissions include data, it is a text string associated with the audio information being transmitted, such as, the song name and musician of a particular song, for display on the faceplate of the FM tuner. In sharp contrast, Claim 11 describes an FM tuner in cooperative operation with a navigation radio. More specifically, Claim 11 describes communication with an FM tuner to transfer a navigation coordinate and a text string to a fleet vehicle. Claim 11 further describes that a navigation radio displays navigation information that is based on the navigation coordinate and the text string. Clearly, a navigation radio in a fleet vehicle that is capable of displaying navigation information based on a navigation coordinate and a text string transferred to an FM tuner in the fleet vehicle is not taught, suggested or disclosed by the prior art of record.

With regard to Claim 15, Applicant does not deny that Palomo teaches the download of additional information and driving instructions to the vehicle as suggested in the office action mailed May 31, 2005. However, neither Palomo, or any of the other cited prior art teaches or suggests the steps of recognizing that additional information is needed for the intended destination and automatically retrieving from other computers the additional information for the intended destination. The cited prior art also fails to teach, suggest or disclose converting the intended destination and the retrieved additional information to a navigation coordinate and a text string with the computing system as also described in Claim 15.

With regard to Claim 44, Applicant respectfully asserts that a computing system that recognizes that insufficient information has been provided to convert the destination information into the text string and the navigation coordinate and performs the steps described in Claim 15 is not well known in the art, nor obvious in view of the cited prior art. The limitations described in

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Claim 44 are not obvious as evidenced by the lack of teaching of the limitations described in Claims 15 and 44 in the prior art, and the lack of a citation supporting the rejection in the office action mailed May 31, 2005. Applicant respectfully challenges the factual assertion that the features of Claim 44 are common knowledge in the context of Claim 15, and per MPEP section 2144.03(C) respectfully requests documentary evidence to support the rejection. Claims 15 and 44 specifically describe that the computing system recognizes that insufficient information has been provided to convert the destination information into a navigation coordinate and a text string and automatically retrieves from other computers additional information for the intended destination. Claims 15 and 44 are describing a specific situation involving conversion of an intended destination to a location coordinate, not just a generic situation involving missing or incorrect data as asserted in the office action mailed May 31, 2005.

For at least the foregoing reasons, all of the features described in amended Claims 11, 15 and 44 are not suggested or disclosed by the cited combination of the prior art, and a *prima facie* case of obviousness has not been established. Claims 12-15 and 44 depend from Claim 11, and therefore a *prima facie* case of obviousness has not been established for these Claims either. Accordingly, Applicant respectfully requests the removal of the 35 U.S.C. §103(a) rejection of Claims 11-15 and 44.

#### Claims 18-23 and 45

Claims 18-23 and 45 have been cancelled rendering the rejection of these Claims moot.

#### Claims 35-43

With regard to Claim 35, Applicant respectfully asserts that Waesterlid teaches away from a computing system operable to transfer a current status of an airplane flight schedule reservation to a navigation unit upon confirmation of the identify of a fleet vehicle as described in Claim 35. In contrast to Claim 35, Waesterlid teaches a personal travel assistant for use with a wireless device such as a cell phone. Clearly, a cell phone is not a navigation system in a fleet vehicle as described in Claim 35. In addition, Waesterlid teaches away from the invention described in Claim 35 by teaching that a travel itinerary is updated by a request from a user of the wireless device, or by changes to the status of the information in a central computing system. Conversely, Claim 35 includes the limitation that a navigation unit temporarily communicates

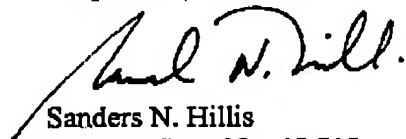
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with a computing system in response to entry of the fleet vehicle into a communication zone. For at least the foregoing reasons, a *prima facie* case of obviousness has not been established for Claim 35. Claims 36-43 depend from Claim 35, and therefore a *prima facie* case of obviousness has not been established for these Claims either. Accordingly, Applicant respectfully requests the removal of the 35 U.S.C. §103(a) rejection of Claims 35-43.

Applicant believes that present claims are allowable in their present form and that this application is in condition for allowance. It is therefore respectfully requested that the Examiner so find and issue a Notice of Allowance in due course. Should the Examiner deem a telephone conference to be beneficial in expediting examination and/or allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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